

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

APM&HS – Sri Shaik Salam, former DMO, Kadapa (Retd.) – Allegations of irregularities in allotment of Anti-Mosquito spraying work – Article of Charges framed – Regular enquiry conducted – Charges proved – Imposition of penalty of 25% cut in pension for a period of 3 years under APRP Rules, 1980 – Orders – Issued.

HEALTH MEDICAL AND FAMILY WELFARE (VC-II-1) DEPARTMENT
G.O.MS.No. 23 **Dated: 16-03-2018**
Read the following:-

1. From the Director of Health, AP, Hyderabad, letter Rc.No.030370 /VC.III.A/07, dated 25-03-2009.
2. Charge Memo. in Rc.No.030370/VC.III.A/2007, dated -11-2007 of DH, AP, Hyderabad.
3. WSD of Sri Shaik Salam, DMO, Kadapa, dated 25-03-2008.
4. Govt. Memo.No.6158/VC.II.1/2009-2, dt.3-11-2009.
5. Enquiry Report of Additional Director (Admin), O/o DPH & FW, Hyderabad and Enquiry Officer, dated 07-10-2010.
6. Govt. Memo.No.6158/VC.II.1/2009-6, dt.7-01-2011.
7. Explanation of Sri Shaik Salam, DMO (Retd.), Kadapa, dated 03-03-2011.
8. Govt. letter No.6158/VC.II.1/09-9, dated 23.03.2011.
9. Orders of Hon'ble A.P.A.T. in C.A. No.855/2010 in O.A.No.12243/2009, dated 18-03-2011.
10. G.O.Ms.No.72, HM&FW(VC.II.1) Dept, dt.31.03.2011.
11. From the APPSC, Hyderabad, Lr.No.458/RT-I/2/2011, dt.10.05.2011
12. From the Hon'ble APAT, Orders dt:28.09.2016 in O.A No.3129/13.
13. From the Hon'ble High Court ,Hyderabad, orders dt.22.01.2018 in WP.No.42072/2017.

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ORDER:-

In the reference 1st read above, the Director of Public Health has informed that on allegation of irregularities in allotment of anti-mosquito spraying work and misuse of Government funds by Sri Shaik Salam, the then District Malaria Officer of Kadapa (Retd.), the Regional Director of Medical & Health Services, Kadapa issued instructions to the Deputy Director (VS), Office of the Regional Director, Kadapa to conduct an enquiry. Accordingly, the Enquiry Officer submitted a preliminary enquiry report. Based on the preliminary enquiry report, the Director of Health framed Article of charges against Sri Shaik Salam, Retired District Malaria Officer, vide reference 2nd read above.

2. The Charged Officer submitted his Written Statement of Defense to the Charge Memo vide reference 3rd read above. After examination of the Written Statement of Defense submitted by the individual, the Additional Director (Administration), Office of the Director of Public Health, Andhra Pradesh, Hyderabad was appointed as Enquiry Officer to conduct regular enquiry on the charges framed against the Charged Officer in the reference 4th read above. The Enquiry Officer submitted Enquiry report in the reference 5th read above wherein the E.O. held the charges as proved.

(P.T.O)

3. The Government, after examining the Enquiry report together with the material made available, and explanation of the charged officer, arrived at a provisional decision to impose a punishment of 25% cut in pension of Sri Shaik Salam, District Malaria Officer (Retired) for a period of three years under rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 and accordingly, a show cause notice was issued in the Memo 6th read above calling for his explanation. Explanation submitted by the individual was found not convincing, Government decided to confirm the provisional decision to impose the punishment of 25% cut in pension against Sri Shaik Salam, District Malaria Officer (Retired) for a period of three years, since the charges leveled were held proved.

4. In the letter 8th read above, the Secretary, APPSC was requested for concurrence on the provisional decision of the Govt.

5. Pending receipt of the concurrence of APPSC, Govt. have issued final orders in the G.O 10th read above, conforming the provisional decision in order to comply with the orders of APAT in O.A No.12243/2009, dt.17.12.2009, consequent to receipt of notice in C.A. 9th read above.

6. In the letter 11th read above, the Secretary APPSC, Hyderabad has communicated the concurrence of the Commission, agreeing with the proposal of the Govt. to impose a penalty of 25% cut in pension for a period of 3 years against Sri Shaik Salam, DMO(Retd.). Since there is no variance from the provisional decision of the Govt. and the concurrence of the APPSC received after issue of the final orders confirming the provisional decision, no revised orders were issued incorporating the concurrence of the AP Public Service Commission obtained at a later stage.

7. Aggrieved by the orders issued in the G.O.10th read above, the individual filed O.A.No.3129/2013 and the Hon'ble APAT in its orders 12th read above, setaside the orders issued in G.O.10th read above.

8. Aggrieved by the above orders, W.P.No.42072/2017 was filed by the Govt. and the Hon'ble High Court, Hyderabad has passed orders vide reference 13th read above, as follows:-

Since the aforesaid G.O.Ms.No.72, dt.31.03.2011 has been set aside by the Tribunal and thereafter no fresh order has been passed by the petitioners, we are of the opinion that the present writ petition is not maintainable.

Needless to state that if the State wishes to pass orders afresh, since the concurrence has now been given by Public Service Commission, they can do so by following the procedure established under law.

9. Keeping in view of the judgment of Hon'ble High Court above, the Govt. after careful examination of the entire matter, decided to issue orders afresh by incorporating the concurrence of the APPSC obtained on imposing the punishment of 25% cut in pension for a period of 3 years against Sri Shaik Salam, former District Malaria Officer, Kadapa (Retd.) by cancelling the orders issued in the G.O. 10th read above.

10. Accordingly, while cancelling the orders issued in the G.O.10th read above, the Government hereby order to impose a punishment of 25% cut in pension for a period of three years against Sri Shaik Salam, former District Malaria Officer, Kadapa (Retd.) under rule 9 of A.P.Revised Pension Rules, 1980.

(P.T.O)

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11. The Director of Public Health & Family Welfare, Andhra Pradesh, Vijayawada shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**POONAM MALAKONDAIAH
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri Shaik Salam, District Malaria Officer (Retired), Kadapa
through the Director of Public Health & Family welfare,
A.P. Vijayawada.

The Director of Public Health & Family welfare, A.P. Vijayawada.

Copy to:

The Accountant General, A.P. Hyderabad/Vijayawada.

The Director of Treasuries and Accounts, A.P, Anjaneya Towers,
Ibrahimpattanam, Krishna District-521456.

The District Treasury Officer, Kurnool/Kadapa.

The District Medical & Health Officer, Kurnool/Kadapa.

The GP for M&H, APAT, Purani Haveli, Hyderabad.

The GP for Services, APHC, Purani Haveli, Hyderabad.

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER